

State of South Dakota

EIGHTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2014

400V0621

HOUSE STATE AFFAIRS ENGROSSED NO. **HB 1166** - 02/19/2014

Introduced by: The Committee on State Affairs at the request of the Office of the Governor

1 FOR AN ACT ENTITLED, An Act to revise the telecommunications services program to
2 include current and developing technology.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 49-31-47 be amended to read as follows:

5 49-31-47. The Department of Human Services shall establish and administer a statewide
6 program to ~~purchase and distribute telecommunication~~ provide telecommunication and other
7 communication devices and services to residents of this state who have disabilities that prevent
8 them from ~~using a telephone~~ having communication access and ~~establish~~ maintain a dual party
9 relay system making all phases of public telecommunications and communication service
10 available to persons who are deaf, severely hearing impaired or speech impaired. This program
11 may be implemented through contracts with public or private organizations that provide services
12 to persons who are deaf or persons with other severe disabilities.

13 Section 2. That § 49-31-48 be amended to read as follows:

14 49-31-48. A telecommunication or communication device for individuals with disabilities
15 is ~~an electrical or mechanical a device for use with a telephone~~ that enables the individual to



1 ~~communicate through a telephone.~~ A dual party relay system provides voice ~~and teletype, digital~~
2 and electronic text, or visual communication between users of telecommunication or
3 communication devices and other persons.

4 Section 3. That § 49-31-49 be amended to read as follows:

5 49-31-49. A telecommunication or communication device furnished by the Department of
6 Human Services ~~under~~ pursuant to the provisions of §§ 49-31-47 to 49-31-56, inclusive, remains
7 the property of the state for three years, after which it becomes the property of the recipient. ~~A~~
8 During the initial three years, a person who receives a telecommunication or communication
9 device from the department ~~under~~ pursuant to the provisions of this section is liable to the
10 department for the loss of or damage to the device. Any money collected by the department
11 ~~under pursuant to the provisions of~~ this section shall be deposited in the telecommunication fund
12 from which the expenditure occurred.

13 Section 4. That § 49-31-50 be amended to read as follows:

14 49-31-50. There is created in the state treasury the telecommunication fund for the deaf and
15 the telecommunication fund for other disabilities for the deposit and disbursement of money
16 collected ~~under~~ pursuant to the provisions of §§ 49-31-49 and 49-31-51. There is hereby
17 continuously appropriated the sum of two hundred thousand dollars (\$200,000), or so much
18 thereof as may be necessary, each year from the telecommunication fund for the deaf to the
19 Department of Human Services to provide one or two cochlear implants to any child who suffers
20 from severe to profound hearing loss. The child shall be less than twenty-one years of age at the
21 time of the implant.

22 Section 5. That § 49-31-51 be amended to read as follows:

23 49-31-51. There is hereby imposed an access fee of fifteen cents per local exchange service
24 line per month, fifteen cents per cellular telephone per month in accordance with the provisions

1 provided in subdivision 34-45-1(7), and fifteen cents per radio pager device per month to pay
2 for the program established in § 49-31-47. The access fee shall be paid by each local exchange
3 subscriber to a local exchange service, or by each cellular telephone or radio pager service
4 subscriber to the service provider, unless the subscriber is otherwise exempt from taxation. The
5 access fee shall be reported as a separate line or service and collected on the regular monthly
6 bill by each local exchange telecommunications company or other service provider operating
7 in this state. On or before the last day of the month following each two-month period, every
8 telecommunications company providing local exchange service or other service provided
9 specified in this section shall remit to the Department of Revenue on forms furnished by the
10 department the amount of the access fee collected for that two- month period. The secretary of
11 revenue may grant an extension of not more than five days for filing a remittance. The
12 Department of Revenue shall deposit ninety percent of the money received ~~under~~ pursuant to
13 the provisions of §§ 49-31-47 to 49-31-56, inclusive, into the telecommunication fund for the
14 deaf and ten percent in the telecommunication fund for other disabilities.

15 Section 6. That § 49-31-56 be amended to read as follows:

16 49-31-56. Expenditures authorized by the provisions of §§ 49-31-47 to 49-31-56, inclusive,
17 shall be paid on warrants drawn by the state auditor on vouchers approved by the secretary of
18 the Department of Human Services. Expenditure for services for individuals who have deafness,
19 deaf blindness, hearing impairments, and speech impediments and expenditures for the dual
20 party relay service shall be paid from the telecommunication fund for the deaf. Expenditure for
21 services for individuals with all other disabilities shall be paid from the telecommunication fund
22 for other disabilities.

23 Section 7. That chapter 49-31 be amended by adding thereto a NEW SECTION to read as
24 follows:

1 The Department of Human Services may promulgate rules, pursuant to chapter 1-26, for the
2 administration of the telecommunications and communication services program. The rules may
3 include:

- 4 (1) Eligibility determination, criteria, and application procedures;
- 5 (2) The amount and scope of services; and
- 6 (3) Methods of administration.